IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SEVENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 20441 of 2003

Between:

M.Neelakantam s/o Kistaiah, Ex-casual driver APSRTC., Kushaiguda Bus Depot., Hyderabad at Present r/o Gudla Narva Village, Bijinepally Mandal., Mahabubnagar District.

..... PETITIONER

AND

The Regional Manager., A.P.S.R.T.C., Hyderabad City Region., JBS., Picket., Secunderabad.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ or Order or Direction more particularly one in the nature of Writ of Mandamus declaring that the action of the respondent in not appointing the petitioner as Driver Grade II in APSRTC., Hyderabad City Region as bad arbitrary, illegal, unjust, unreasonable and contrary to the seniority list/panel and consequently direct the respondent to appoint the petitioner as Driver Grade II in APSRTC., Hyderabad City Region

Counsel for the Petitioner:MR.P.VENKATESWAR RAO, Advocate

Counsel for the Respondent : MR.K.HARINATH

The Court made the following :

O R D E R:

Heard learned counsel for the parties and with their consent the writ petition is taken up for final disposal.

This writ petition is filed seeking a writ of mandamus declaring the action of the respondent in not appointing the petitioner as Driver Grade II in A.P.State Road Transport Corporation (APSRTC)Hyderabad City Region as illegal and arbitrary.

This Court by an order dated 24-09-2003 in W.P.M.P.No.25590 of 2003 , directed the respondents that the services of the petitioner shall be engaged subject to availability of work in preference to his juniors, in the same category.

A counter has been filed stating that the petitioner was engaged at Kushaiguda depot from 31-10-2001 to 07-11-2001 during the strike period.

It is the case of the petitioner that his juniors who are at serial nos. 956, 970, 979 and 987 have been engaged ignoring the case of the petitioner though he is a senior.

The learned counsel appearing for the respondent submitted that the candidates who worked during the strike period have been sent for medical examination and training subsequent to the completion of verification process. It is not known as to why the verification process has not been completed in so far as the petitioner is concered.

In the facts and circumstances of the case, I consider that it is appropriate to dispose of the writ petition with a direction that the respondent in the writ petition may also complete the verification process in so far as the petitioner is concerned by sending him for medical examination and training if necessary and engage him on par with the other persons who have been engaged on 23-01-2004, who are admittedly juniors to the petitioner.

The writ petition is accordingly, disposed of. No costs.

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27-07-2004.

Mjl/*

To

1. The Regional Manager., A.P.S.R.T.C., Hyderabad City Region., JBS., Picket, Secunderabad.

2. 2 CD copies.